



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, October 31, 2016

6:00 PM

City Hall Council Chambers

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*Present: J. K. Lowman, Brad N. Leskoven, Ronald Clark, Bobby Van Buren and Justice Barber*

*Absent: James Mills and David Hunter*

*Staff:*

*Rusty Roth, Planning & Zoning Manager*

*Shelby Little, Planning & Zoning Administrator*

*Sarah Hegener, Associate City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Vice Chairman Lowman called the October 31, 2016 meeting of the Board of Zoning Appeals to order at 6:00 PM.*

*Vice Chairman Lowman explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

**20161052      August 29, 2016 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the August 29, 2016 Board of Zoning Appeals Meeting Minutes.**

*Mr. Leskoven made a motion, seconded by Mr. Van Buren that the August 29, 2016 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Chairman Mills and Mr. Hunter were absent.*

**A motion was made by Board member Leskoven, seconded by Board member Van Buren, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote.**



Absent: 2

Vote For: 5

### VARIANCES:

#### 20160941 V2016-46 [VARIANCE] LARRY WILLIAMSON

**V2016-46 [VARIANCE] LARRY WILLIAMSON is requesting a variance for property located in Land Lots 945 & 1000, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1160 Hayes Industrial Drive. Variance to reduce the side setback to 0' for a new addition. Ward 5B.**

*A public meeting was held.*

*Mr. Sawyer Williamson, presented a request for a variance to reduce the side setback to 0' for a new addition.*

*There was no opposition to this variance.*

*Mr. Clark asked what the size of the boiler and room was. Mr. Williamson stated that the boiler is 50 horsepower and that the room is 12'x16' and 15' high.*

*Mr. Clark asked if the room will be on concrete. Mr. Williamson affirmed and said that Steve McNeel, who built the boiler room for Burnt Hickory Brewery in Kennesaw and Atlanta Boiler, who is installing the boiler, have worked together to get the specs.*

*Mr. Clark asked if he's spoken with the Fire Department regarding the fire code. Mr. Williams stated that All Roof is familiar with the City Code and that either they or Steve McNeel will be the general contractor.*

*Mr. Clark asked, if approved, would he have objection to a sprinkler system being installed and Mr. Williamson did not have objection.*

*The public hearing was closed.*

*A motion was made by Mr. Clark to grant the application with the stipulation that the structure will have a sprinkler system installed, on the basis that it would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. It was seconded by Mr. Leskoven. The Motion carried 5-0-0.*

**A motion was made by Board member Clark, seconded by Board member Leskoven, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.**

Absent: 2

Vote For: 5

#### 20160984 V2016-47 [SPECIAL LAND USE PERMIT] LENNAR HOMES OF GA



**V2016-47 [SPECIAL LAND USE PERMIT] LENNAR HOMES OF GA is requesting a Special Land Use Permit for a temporary sales trailer for property located in Land Lot 433, District 17, Parcel 0920, 2nd Section, Marietta, Cobb County, Georgia and being known as 300 Williamson Street. Ward 1A.**

*A public meeting was held.*

*Mr. Marcus Blackwood, for Lennar Homes, presented a request for a Special Land Use Permit for a temporary sales trailer.*

*There was one (1) in opposition to this variance. Ms. Jody Ecie opposed.*

*Mr. Lowman asked if there would be sewage available at the site. Mr. Blackwood said that there was not. He stated that they would be doing a tank out on the back of the sales trailer, which is fairly common practice in certain locations.*

*Mr. Leskoven asked if utilities would be connected to the rear of the trailer and Mr. Blackwood said there is City water in the front, which would be attached to the trailer itself and there is power that comes in from the Walmart parking lot behind, to an overhead pole that's already existing from the previous sales trailer, on the back left corner of where the trailer will be. He said that would be run in conduit from there to the inside of the trailer. He said it would be underground from the overhead to the side of the trailer.*

*Mr. Van Buren asked if he anticipated taking over twelve months to complete this development. Mr. Blackwood said he is hoping to be done in three to four months. He said they have twenty-four (24) townhome units to sell.*

*Ms. Jody Ecie opposed stating concerns over parking saying that there is not adequate parking where they plan to put the trailer and the homeowners themselves do not have enough parking spaces. She said this has been a continued annoyance with the pounding and hammering starting at 7:00AM even on Saturdays sometimes. She said it would be unsightly and she does not want to see a Winnebago for the next year. She doesn't understand why they can't wait until they have a completed unit that they could use as a sales office/model home. She said she is a member of the Highpoint North Community and stated that many more residents would have come to oppose had it not been Halloween.*

*She asked if someone were to fall in the street, would their community be liable or would Lennar be liable. Mr. Blackwood said that would be a question for their counsel to answer and their counsel was not present.*

*The board members asked questions pertaining to the location of her home in relation to where the trailer will be placed and for clarification as to what her concerns are. Ms. Ecie explained that she would be looking at the back of the trailer from her home and clarified her concerns.*

*Mr. Blackwood rebuttaled saying that they would gain about 2-2 ½ months of sales by going into the trailer first and in real estate sales that is a big deal. He said they go into many communities in sales trailers; that it is not uncommon to do that.*

*The board members asked what his projection for a sales model was and Mr. Blackwood said he plans on having the two end units in building 67 and 68 completed by the last week in January to the first week in February.*



*The public hearing was closed.*

*A motion was made by Mr. Leksoven to grant the application with the following stipulations, on the basis that it would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. It was seconded by Mr. Van Buren. The Motion carried 5-0-0.*

*Stipulations:*

- 1. All utility hookups are to the rear or side of the trailer facing the natural vegetation.*
- 2. Within sixty (60) days of the Certificate of Occupancy of one of the two units mentioned, the trailer would be broken down and the sales moved to that location.*

**A motion was made by Board member Leskoven, seconded by Board member Van Buren, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.**

**Absent: 2**

**Vote For: 5**

**20160985**

**V2016-49 [VARIANCE] MOUNT PARAN CHRISTIAN SCHOOL**

**V2016-49 [VARIANCE] MOUNT PARAN CHRISTIAN SCHOOL is requesting variances for property located in Land Lot 243, District 20, Parcel 0810, 2nd Section, Marietta, Cobb County, Georgia and being known as 2250 Stilesboro Road. Variance to allow a 60 square foot sign panel on a fence at the corner of Stanley Road and Stilesboro Road; variance to allow a decorative aluminum fence with brick columns 7'4" tall along Stanley Road and Stilesboro Road. Ward 4C.**

*A public meeting was held.*

*Mr. Clint Austin and Mr. John Sess, presented a request for a variance to allow a 60 square foot sign panel on a fence at the corner of Stanley Road and Stilesboro Road; variance to allow a decorative aluminum fence with brick columns 7'4" tall along Stanley Road and Stilesboro Road.*

*There was no opposition to this variance.*

*Mr. Austin handed the board members letters of support from the surrounding neighbors.*

*Mr. Van Buren asked which neighborhoods the letters were from and if they were the ones who opposed the last variance request. Mr. Austin said it was from Barrett Greene and Overlook. He affirmed and said they were instructed to "make friends" and they did and now are in favor.*

*The public hearing was closed.*

*A motion was made by Mr. Leskoven to grant the application as requested, on the basis that it would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. It was seconded by Mr. Lowman. The Motion carried 5-0-0.*



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A motion was made by Board member Leskoven, seconded by Board member Lowman, that this Variance be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 2

Vote For: 5

### OTHER BUSINESS:

#### 20160986 2017 Board of Zoning Appeals Calendar of Meeting Dates

##### Review and Approval of the 2017 Board of Zoning Appeals Calendar

*Mr. Van Buren made a motion, seconded by Ms. Barber that the 2017 Board of Zoning Appeals Calendar of Meeting Dates be approved. The Motion carried 5-0-0.*

A motion was made by Board member Van Buren, seconded by Board member Barber, that this Motion be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 2

Vote For: 5

### ADJOURNMENT:

*The October 31, 2016 meeting of the Board of Zoning Appeals was adjourned at 6:39PM*

  
J. K. LOWMAN, VICE CHAIRMAN

  
INES EMBLER, SECRETARY

